

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO
DIVISION OF DOMESTIC RELATIONS

_____,
Plaintiff/Petitioner
v.
_____,
Defendant/Petitioner
:
:
:
:
Case No. _____
Judge _____

DIVISION OF PROPERTY ORDER

The Court finds the following facts and issues the following Order pursuant to Sections 3105.80 to 3105.90, Revised Code:

I. Terms:

- A. The "Plan Participant" or "Participant" means _____,
Social Security number _____, whose date of birth is _____,
whose current address is _____,
and whose current mailing address is _____.
- B. The "Alternate Payee" means _____,
Social Security number _____, whose date of birth is _____,
whose current address is _____,
and whose current mailing address is _____.
- C. The "Public Retirement Program(s)" means (please check the name and address of the public retirement program(s) and/or University/College Alternative Retirement Plan Administrator):
- ☐ Public Employees Retirement System of Ohio
277 East Town Street, Columbus, Ohio 43215-4642
 - ☐ State Teachers Retirement System of Ohio
275 East Broad Street, Columbus, Ohio 43215-3771
 - ☐ School Employees Retirement System of Ohio
300 East Broad Street, Suite 100, Columbus, Ohio 43215-3746
 - ☐ Ohio Police and Fire Pension Fund
140 East Town Street, Columbus, Ohio 43215
 - ☐ Ohio Highway Patrol Retirement System
6161 Busch Boulevard, Suite 119, Columbus, Ohio 43229-2553
 - ☐ University/College Alternative Retirement Plan
Name and address of University/College Plan Administrator:

D. Obligation of Plan Participant and Alternate Payee: The Plan Participant and the Alternate Payee are ordered to notify in writing the Public Retirement Program of a change in the individual's mailing address.

II. Amount Payable to the Alternate Payee: Upon the Plan Participant receiving benefit payment or a lump sum payment from the Public Retirement Program, the court orders that the Alternate Payee shall receive payment in accordance with and subject to the limitations set forth in Sections 3105.82 to 3105.90, Revised Code. If the Plan Participant is a reemployed retiree contributing to a money purchase annuity or is eligible to receive or is receiving monthly benefits or a lump sum payment from a money purchase annuity, the Alternate Payee shall receive payment in a monthly or one-time dollar amount as specified in Paragraph II(B)(1) below. If the Plan Participant is a member of the State Teachers Retirement System and is participating in the defined contribution program established pursuant to Section 3307.81, Revised Code, or any of its constituent plans, the Alternate Payee shall receive payment in a percentage of a fraction as specified in Paragraph II(B)(2) below. If the Plan Participant is participating in any other plan in a Public Retirement Program, the Alternate Payee shall receive payment in either a dollar amount or a percentage of a fraction as specified below (please check the type and the method of payment):

A. Type of Payment: If the Participant is eligible to receive more than one benefit payment or more than one lump sum payment, please check the benefit or lump sum payment from which payment to the Alternate Payee shall be made. If no benefit or lump sum payment is designated, the Alternate Payee shall receive payment from the first benefit payment or lump sum payment for which the Participant is eligible to apply and to receive. Please check ALL APPLICABLE BENEFIT(S) OR LUMP SUM PAYMENT(S):

- ☐ Age and service monthly retirement benefit
- ☐ Disability monthly retirement benefit
- ☐ Account refund
- ☐ Additional money purchase monthly annuity or lump sum refund
- ☐ Reemployed retiree money purchase monthly annuity (when payment exceeds \$25.00) or lump sum refund
- ☐ Defined contribution plan benefit (STRS only)

B. Method of Payment:

1. Dollar Amount: Please check the appropriate box:

- ☐ \$ _____ per month from the Participant's monthly benefit upon the Participant's receipt of the monthly benefit.
- ☐ \$ _____ from the Participant's lump sum payment upon the Participant's receipt of the payment.

2. Percentage: If the Plan Participant elects to receive a monthly benefit or a one-time lump sum payment, the Public Retirement Program shall pay directly to the Alternate Payee per month or in a one-time lump sum payment _____ percent (____%) of a fraction as set forth below of the Plan Participant's monthly benefit or one-time lump sum payment.

- a. The numerator of the fraction shall be _____ which is the number of years during which the Plan Participant was both a member of the Public Retirement Program and married to the Alternate Payee. The date of marriage is _____.
- b. The denominator, which shall be determined by the public Retirement Program at the time that the Plan Participant elects to take a monthly benefit or a one-time lump sum payment, shall be the Participant's total years of service credit with the Public Retirement Program or, in the case of a Participant in a

retirement plan established under Chapter 3305, Revised Code, the years of participation in the plan.

- C. Applicable Benefit: The monthly benefit amount used to determine the amount paid to the Alternate Payee from the Participant's monthly benefit shall be whichever applies:
1. If the Participant is receiving a monthly benefit, the monthly benefit shall be the benefit the Participant is receiving at the time the decree of divorce or dissolution becomes final. The effective date of the divorce or dissolution is _____.
 2. If the Participant has applied for but is not yet receiving a monthly benefit, the monthly benefit shall be the benefit for which the Participant is eligible;
 3. If the Participant has not applied for a benefit, the monthly benefit shall be the benefit calculated at the time the Participant elects to take the benefit.
- D. Minimum Benefit Notice: The total amount paid to the Alternate Payee pursuant to this order plus any administrative fee charged to the Participant and Alternate Payee as authorized by Section 3105.84, Revised Code, shall not exceed fifty percent of the amount of a benefit or lump sum payment that the Plan Participant is to receive. If the Plan Participant's benefit or lump sum payment is or will be subject to more than one order issued pursuant to Section 3105.81, Revised Code, the Public Retirement Program shall not withhold an aggregate amount for all the orders plus the administrative fee(s) charged to the Participant and Alternate Payee as authorized by Section 3105.84, Revised Code, that exceeds fifty percent of the benefit or lump sum payment.

III. Notification to Alternate Payee: The Alternate Payee is hereby notified of the following:

- A. The Alternate Payee's right to payment under this order is conditional on the Plan Participant's right to a benefit payment or lump sum payment from the Public Retirement Program;
- B. When the Plan Participant's benefit or lump sum payment is subject to more than one order under Section 3105.81, Revised Code, or to an order described in Section 3105.81, Revised Code and a withholding order under Section 3121.03, Revised Code, the amount paid to the Alternate Payee under this order may be reduced based on the priority of the other order;
- C. The Alternate Payee's right to receive an amount from the benefit payment or lump sum payment to the Plan Participant shall terminate upon:
 1. The death of the Plan Participant;
 2. The death of the Alternate Payee;
 3. The termination of a benefit pursuant to the governing laws of the Public Retirement Program.

IV. Administrative Fee: Pursuant to Section 3105.84, Revised Code, this order authorizes the Public Retirement Program that is or will be paying the benefit or lump sum payment to withhold from any benefit or payment that is subject to this order an amount determined by the Public Retirement Program to be necessary to defray the cost of administering the order. This amount shall be divided equally between the Plan Participant and the Alternate Payee.

V. Application of Order: This order applies to payments made by the Public Retirement Program after retention of the Order under Section 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261, Revised Code.

VI. Additional Limitations on Order:

- A. Payments under this order shall commence as provided under Sections 145.571, 742.462, 3305.21, 3307.371, 3309.671, or 5505.261, Revised Code.
- B. The Alternate Payee has no right or privilege under the law governing the Public Retirement Program that is not otherwise provided in the governing rules.
- C. This order shall not require the Public Retirement Program to take any action or provide any

benefit, allowance, or payment not authorized under the law governing the Public Retirement Program.

VII. Notice of Order:

- A. The clerk of courts shall transmit a certified copy of this order to the Public Retirement Program(s) named in the order.
- B. On receipt of this order, the Public Retirement Program shall determine whether the order meets the requirements as set forth in Sections 3105.80 to 3105.90, Revised Code.
- C. The Public Retirement Program shall retain the order in the Plan Participant's record if the order meets the requirements in Sections 3105.80 to 3105.90, Revised Code.
- D. The Public Retirement Program shall return, by regular mail, to the clerk of courts of the court that issued the order any order the Public Retirement Program determines does not meet the requirements in Sections 3105.80 to 3105.90, Revised Code, no later than sixty days after the Public Retirement Program's receipt of the order.

VIII. Jurisdiction of the Court: The Court shall retain jurisdiction to modify, supervise, or enforce the implementation of this order notwithstanding Section 3105.171(I), Revised Code.

APPROVED:

Attorney for Plaintiff/Petitioner

Attorney for Defendant/Petitioner

Retirement System

Retirement System

Retirement System

SO ORDERED.

Judge